United Nations S/AC.29/2009/25

Security Council

Distr.: General
23 November 2009

Original: English

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 11 November 2009 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Denmark to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) and has the honour to submit the report by Denmark pursuant to paragraph 25 of Security Council resolution 1844 (2008) concerning the situation in Somalia (see annex).

09-61803 (E) 120110

Please recycle

Annex to the note verbale dated 11 November 2009 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

Report by Denmark submitted pursuant to paragraph 25 of Security Council resolution 1844 (2008)

Security Council resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007), 1772 (2007) and 1844 (2008) concerning Somalia

Implementation by Denmark

1. Denmark and the other member States of the European Union have jointly implemented the restrictive measures against Somalia imposed by Security Council resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007), 1772 (2007) and 1844 (2008) by taking the following common measures:

Council Common Position 2009/138/CFSP of 16 February 2009 repealing Common Position 2002/960/CFSP

The Common position sets out the commitment by the European Union to implement all the measures contained in Security Council resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007), 1772 (2007) and 1844 (2008), and provides the basis for European Union-specific implementation measures within the scope of the resolutions, notably:

- a complete arms embargo;
- the prevention of the direct or indirect supply of weapons, military equipment, technical assistance, training, financial and other assistance, related to military activities or to the supply of arms, to persons or entities designated by the United Nations Sanctions Committee;
- a travel ban for persons designated by the Sanctions Committee;
- an asset freeze of funds owned or controlled by persons and entities designated by the Sanctions Committee.

Once the Sanctions Committee has designated the persons and entities targeted by resolution 1844 (2008), the Common Position will compile, for the purpose of the prevention of technical and financial assistance related to military activities, the travel ban and the asset freeze, a list in accordance with the Committee's determinations. In relation to the prevention of technical and financial assistance related to military activities and the asset freeze, an upcoming European Union regulation will oblige Denmark and the other member States to implement these measures and those included in the aforementioned list.

2. In addition, the competent authorities of Denmark will apply the following Danish legislation in implementing the restrictive measures against Somalia imposed by the Security Council in paragraphs 1, 6 and 7 of resolution 1844 (2008), concerning the travel ban and arms and related materials:

- The Danish Aliens Act empowers the competent Danish authorities to impose entry and transit restrictions on persons designated by the United Nations Sanctions Committee. The necessary instructions will be issued immediately after the designation of such persons.

- According to section 7 a of the Danish Weapons Act, it is prohibited to transport weapons of any kind and defence-related material, etc. between third countries (i.e. countries other than Denmark), when the recipient country is listed in the Government Order on Transportation of Weapons, etc. between Third Countries. The list includes all countries that are under an arms embargo established by the United Nations, the European Union or the Organization for Security and Cooperation in Europe.

- According to section 7 b (1) of the Danish Weapons Act, it is likewise prohibited for a broker without a specific licence from the Minister of Justice to negotiate or arrange transactions that involve the transfer of weapons, etc., as defined in section 6, between countries outside the European Union. Furthermore, it is prohibited to buy or sell weapons, etc., as defined in section 6, as part of a transfer between countries outside the European Union, or, as the owner of the weapons, etc., to arrange such transfer. According to section 7 b (2), the prohibition does not apply to acts performed in another European Union member State or to acts performed outside the European Union by persons with permanent residence outside Denmark.

- According to section 6 of the Danish Weapons Act, it is prohibited, without a specific licence from the Minister of Justice, to export weapons of any kind or defence-related material, etc. Section 6 applies to any situation where items are transferred from Denmark to a third country, regardless of whether the transfer takes place in relation to export, transit, trans-shipment or re-export. Export licences will not be issued to countries in violation of Security Council resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007), 1772 (2007) and 1844 (2008).

- Violations of the above-mentioned rules are a criminal offence punishable by fine or imprisonment, under the Danish Weapons Act section 10 and, in aggravating circumstances, section 192 (a) of the Danish Penal Code.